United Nations A/C.4/57/SR.5

General Assembly
Fifty-seventh session

Official Records

Distr.: General
12 November 2002

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 3 October 2002, at 3 p.m.

Chairman: Mr. Maitland ..... (South Africa)
later: Ms. Ferrari (Vice-Chairperson) ..... (Saint Vincent and the Grenadines)

Contents

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*)*

Agenda item 80: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*)*

Agenda item 81: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*)*

Agenda item 82: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*)*

Agenda item 12: Report of the Economic and Social Council (*continued*)*

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*)*

* Items which the Committee has decided to consider together.

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

02-61771 (E)
0261771

The meeting was called to order at 3.10 p.m.

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Question of Gibraltar (A/C.4/57/2; A/C.4/57/L.4)

1. *At the invitation of the Chairman, Mr. Caruana (Chief Minister of Gibraltar) took a place at the table.*

2. **Mr. Caruana** (Chief Minister of Gibraltar) referred to the Committee's draft decision (A/C.4/57/L.4) urging Spain and the United Kingdom to continue their negotiations aimed at "overcoming all the differences between them over Gibraltar". Did the "spirit of the Charter" as applied to Gibraltar take into account the wishes of the Gibraltarian people, or did it give Spain the right to restore European boundaries to what they had been in 1704? The principle of territorial integrity had been invoked by the new Minister for Foreign Affairs of Spain during the general debate in the plenary Assembly, but the issue of decolonization and territorial integrity could not be merged. Spain's argument in favour of sovereignty was therefore flawed; perhaps that was why both Spain and the United Kingdom had denied Gibraltar's request to refer those issues to the International Court of Justice for an advisory opinion.

3. The interaction between the principle of territorial integrity and the right to self-determination was clearly explained in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, in the preamble and under the heading entitled "The principle of equal rights and self-determination of peoples" (General Assembly resolution 2625 (XXV), which specified that territorial integrity could not be impaired where a Member State was "possessed of a government representing the whole people belonging to the territory". Since Gibraltar was not currently part of Spain and had not been since 1704, that criterion did not apply. Clearly, the sole intention of that provision was to prevent the disintegration of sovereign States as they were currently constituted. Spain was thus misapplying the principle with the aim of denying the Gibraltarian people their right to self-determination. If Spain and the United Kingdom would not give them an opportunity to prevail in an international court of law, the people of Gibraltar would persist in their political struggle.

4. There were three fundamental strands to Spain's reasoning: Gibraltarians were not an "indigenous" people and therefore had no right to self-determination; Gibraltar was an enclave; and a clause in the Treaty of Utrecht of 1713 prevented the decolonization of Gibraltar by any means other than its integration into Spain. The people of Gibraltar, however, had been established in the Territory since 1704, not to mention that half the world's colonies (including Spain's) had been decolonized by and for non-indigenous descendants of colonizing powers. Moreover, there was no special rule denying the right of self-determination to enclaves. The Treaty of Utrecht did not even mention colonization and decolonization and, in any case, Great Britain had not claimed Gibraltar as a colony until 126 years after its signature. Spain was thus misusing the Treaty of Utrecht in an effort to blur the distinction between the principles of decolonization and sovereignty.

5. Nonetheless, the United Nations continued to favour Spain and the United Kingdom in its annual consensus decisions. The people of Gibraltar urged the Committee to refer the case to the International Court of Justice for an advisory opinion; to amend the Committee's draft decision in order to give the people of Gibraltar an equal and separate voice in the dialogue; and to affirm the primacy of the wishes of the people of Gibraltar and the principle of self-determination.

6. He had indeed declined an invitation to participate in bilateral British-Spanish negotiations which had resumed the previous year under the so-called Brussels Agreement. That was because he would not have had an equal say or any assurances against being excluded from agreements reached between the United Kingdom and Spain, which would have used him to help flesh out the details of an agreement on joint sovereignty, thus, the results of the negotiations had been predetermined from the outset.

7. Despite a massive demonstration on 18 March by the population of Gibraltar to plead with the British Government not to make concessions on principle to

Spain, and the unanimous adoption by Gibraltar's Parliament on 25 March, of a resolution to that effect, the United Kingdom Foreign Secretary, Mr. Jack Straw, had formally stated in the British Parliament that the United Kingdom and Spain were in broad agreement on many principles of a settlement on sharing sovereignty. That amounted to betrayal and a violation of the Gibraltarian people's right to self-determination, the spirit of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. While the British Foreign Secretary had claimed that nothing would be implemented without the consent of the people of Gibraltar, the very fact that the United Kingdom had felt free to enter into such an agreement was a violation of their political rights, in particular their right to self-determination. Even if the Gibraltarian people eventually rejected a joint-sovereignty agreement, that agreement would nonetheless remain in effect between the United Kingdom and Spain, and it would, in any case, be a number of years before the United Kingdom submitted the question to a referendum. Therefore, Gibraltar soundly condemned Mr. Straw's statement.

8. His Government's response had been to call its own referendum on 7 November 2002 in order to give the people of Gibraltar an early and timely opportunity to express their views on the question of joint sovereignty. Noting that the referendum would be observed by many independent international observers, he invited the Committee, the Special Committee on decolonization and the Office of the Secretary-General to designate observers as well.

9. The Spanish and British Governments had condemned the Gibraltarian referendum as, respectively, an attempt to interfere in the successful development of their negotiations, a waste of money, a short-circuiting of democracy and a short-changing of the people of Gibraltar. The British Government's reaction had met with condemnation by all sectors of British society, including political parties, the press, trade unions, the business community and the public at large. He hoped the Gibraltarian position, particularly on referring the matter to the International Court of Justice, would be reflected in the Committee's draft decision.

10. **Mr. Lewis** (Antigua and Barbuda) said that he would appreciate a legal opinion to clarify whether the issue was one of decolonization or sovereignty, and thus whether the Committee had a mandate to take action. In that context, he recalled that the administering Power had prevented the Special Committee on decolonization from carrying out a study requested by the people of Guam. It seemed that the United Nations would not act without the approval of an administering Power, and thus would not visit a Territory to carry out a study merely at the request of its people and their elected Government.

11. **Mr. Huntley** (Saint Lucia) asked whether the Government of Gibraltar had to obtain the approval of the United Kingdom in order to hold a general election, and whether the British Government would recognize the results of those elections.

12. **Mr. Caruana** (Chief Minister of Gibraltar) replied that parliamentary elections in Gibraltar were governed by statutory law and that there was therefore no need to obtain permission from the United Kingdom, which had no role whatsoever in the electoral process. His Government could dissolve Parliament, call an election or convene a referendum without British approval. Both the British and Spanish Governments had indicated that they would not recognize the results of the referendum, which would be observed by many Members of Parliament from the United Kingdom's governing party, representatives of the Commonwealth Parliamentary Association and other reputable international bodies.

13. **Mr. Ovia** (Papua New Guinea) wondered whether it was time to remove Gibraltar from the decolonization lists maintained by the Committee and the Special Committee on decolonization, since, for all intents and purposes, it was already a self-governing State, complete with a territorial assembly and the power to hold elections or referendums.

14. **Mr. Caruana** (Chief Minister of Gibraltar), replying to delegations' questions, said that, while the executive and legislative branches of his Government were self-governing, they functioned within the confines of a colonial constitution. That was precisely why, beyond removal from the decolonization list, his Government sought constitutional reform and modernization, and the status of a fully self-governing State that was not dependent on bilateral sovereignty negotiations.

15. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) stressed the very unique situation of Gibraltar. Despite its very advanced stage of political evolution, and the fact that an issue of sovereignty was yet to be resolved, the

underlying and essential issue was one of decolonization, which was why it had been placed on the list in the first place. Once the sovereignty issue was resolved, decolonization must inevitably follow.

16. *Mr. Caruana withdrew.*

17. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Parliament of Gibraltar) took a place at the petitioners' table).*

18. **Mr. Bossano** (Leader of the Opposition, Parliament of Gibraltar) said the recently appointed Minister for Foreign Affairs of Spain had indicated to the General Assembly that Ceuta and Melilla were African possessions of Spain. However, the inhabitants did not have the right to self-determination recognized in international law, because the issue was purely a territorial dispute between two States Members of the United Nations, which would only be resolved by negotiation. The case of Gibraltar was different, because it was a colony and could only be decolonized by exercising its right to self-determination; yet, the Foreign Minister had maintained that decolonization should be implemented by applying the so-called principle of territorial integrity, thereby depriving the people of Gibraltar of that right.

19. It was not the prerogative of United Nations bodies to selectively determine to which colonial peoples the United Nations instruments relating to decolonization would be applicable. All the international experts had concluded that Gibraltar's right to self-determination could not be challenged. Many Member States had once been colonies, and their conquest by a colonial Power had fragmented the territorial integrity of sovereign States.

20. In their renewed negotiations, the United Kingdom and Spain were working towards an agreement to share the sovereignty of Gibraltar. In November 2001, the opposition had called for a referendum on the issue to decide whether to accept that plan or to pursue the decolonization option on the basis of a new constitution. In January 2002, Parliament had unanimously approved the draft text of the constitution and in March it had adopted a resolution to inform the United Kingdom that it rejected any Anglo-Spanish agreement which made concessions to Spain. In July, the United Kingdom's Foreign Secretary had informed the House of Commons that broad agreement had been reached with Spain on shared sovereignty. However, in accordance with paragraph 5 of General Assembly resolution 35/118, the Committee was required to categorically reject any agreement by a colonial Power which denied the inalienable right of peoples under colonial domination to self-determination.

21. A referendum would be held in November 2002 to support or reject the United Kingdom's plan, and the opposition would campaign for rejection. The United Kingdom had said that it would ignore the results of the referendum. However, the arguments it had used in 1967 to oppose the resolution in which the Committee had rejected the results of the 1967 referendum and, according to Spain, had established the doctrine of territorial integrity were even more valid when applied to the colonial Power, which was required to respect and abide by the wishes of the colonial people under the terms of the Charter. The United Kingdom had complained at that time that a resolution which appeared to condemn a free consultation of the wishes of a colonial people was without precedent for the Fourth Committee, and that it would be scandalous if the fate of the people of Gibraltar were to be settled over their heads, contrary to their declared wishes, as the resolution required.

22. It appeared that the Committee favoured the Brussels negotiations. However, that would not deflect the people of Gibraltar from pursuing their legitimate aspirations for decolonization; they would never compromise or give up their right to self-determination. The dispute over the question of Gibraltar was not a dispute between the United Kingdom and Spain, but between the people of Gibraltar and the United Kingdom, because the latter had failed to meet its obligation under the Charter to decolonize Gibraltar. The Committee was also failing in its obligations, by giving tacit support to two colonial Powers which were conspiring to deprive the people of Gibraltar of their rights.

23. *Mr. Bossano withdrew.*

Question of Guam (A/57/23 (Part III), chap. XIII (F) B.VI)

24. *At the invitation of the Chairman, Mr. Bettis (Office of the Governor, Guam) took a place at the petitioners' table.*

25. **Mr. Bettis** (Office of the Governor, Guam), observed that the new approaches taken over the past two years by the Special Committee on decolonization

to engage administering Powers should speed up the slow rate of decolonization of the remaining Non-Self-Governing Territories. Both the administering Powers and the peoples of the Territories must be brought more fully into meaningful discourse with the Special Committee.

26. His Government supported the language of the draft resolution on Guam that was before the Fourth Committee (A/57/23 (Part III), chap. XIII (F) B.VI). It reflected the administering Power's failure to address many issues raised by popular referendum, including the effect of its immigration policies on the status of the native Chamorro people in their homeland, and the fact that it had consistently rebuffed or ignored all decolonization options put forward by Guam itself. New language in the draft resolution noted the rising poverty in Guam, one of the sad effects of the current colonial policy of the United States. The text, in sum, accurately reflected the obligations of the administering Power as they related to Guam. Although Guam was not expecting the resolution suddenly to produce the desired action, at least it refocused attention on the unfinished business of decolonization. The continuing abrogation of the rights of a relative handful of people scattered among a few Pacific or Caribbean islands was just as much a matter of international concern, as far more complex issues involving peace and security.

27. The international community's responsibility to advance the human rights of colonized people was clear, and rooted in the Charter of the United Nations and its resolutions. Underdevelopment through subjugation by an external and undemocratic administration was too high a price to pay. Of course, administering Powers did not like hearing references to subjugation, or exploitation as violations of human rights, yet such words were real if one lived in a colony. In Guam, the government's actions were limited by the boundaries set down by the administering Power. In the past, Guam suggested that the United Nations might make provision for the governments of Non-Self-Governing Territories to seek guidance from the International Court of Justice with respect to their rights; and such an approach would help to clarify the rights and responsibilities of all parties in moving beyond the status quo of colonialism to the promise of self-government. Guam had proposed a process for its own self-determination and decolonization, and what was missing was the administering Power's engagement in the process by dismantling its external administrative mechanisms. His government supported the Special Committee's efforts to bring all relevant parties to the table, and would welcome a visiting mission by that Committee.

28. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) said that the question of Guam was one of the most complex issues on the Committee's agenda. Mr. Bettis had referred to aspects of colonization that some would prefer to forget; nevertheless, colonization was a reality. He wondered whether negotiations were under way between the administering Power and the representatives of the Territory within the United States Congress and what stage they had reached.

29. **Mr. Bettis** (Guam) replied that there was no ongoing discussion on Guam's status. The Guam Commonwealth Act had last been considered by the United States Congress in October 1998. In 1999, the United States Senate had encouraged the Administration to resume discussions with Guam but that had not occurred. Currently, there were ongoing discussions with regard to American Samoa, which appeared to have precedence, even though Guam had been pressing for a change in its status for more than a decade.

30. **Mr. Huntley** (Saint Lucia) asked why the process that was being organized by the Guam authorities to consult the people on the options they wished to pursue had been postponed.

31. **Mr. Bettis** (Guam) said that there was a legal process under way for a vote among the Chamorro population of Guam on their preferred political status. The process involved voter registration, to be overseen by the Guam Election Commission; however, the Commission had been involved in a lawsuit that had been settled only recently by the Guam Supreme Court. Consequently, it had not carried out the registration process, and no plebiscite would be held in 2002.

32. *Mr. Bettis withdrew.*

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/57/23 (Part II), chaps. VI, IX-XI, A/57/23 (Part II/Add.1), A/57/23 (Part III), chap. XIII (D-F, H) and A/57/206; A/C.4/57/L.2 and L.4; Aide mémoire 1/02; A/AC.109/2002/CRP.2)

Agenda item 80: Information from Non-Self Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/57/23 (Part II), chap. VIII, A/57/23 (Part III), chap. XIII (A) and A/57/74)

Agenda item 81: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/57/23 (Part II), chap. V, A/57/23 (Part III) and chap. XIII (B))

Agenda item 82: Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/57/23 (Part II), chap. VII, A/57/23 (Part III), chap. XIII (C) and A/57/73; A/C.4/57/CRP.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/57/3)

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/57/90 and Add.1; A/C.4/57/L.3)

33. **Mr. Moungara-Moussotsi** (Gabon) said that the United Nations and also the African Union (formerly the Organization of African Unity) could be proud of their contributions to decolonization. In the case of Western Sahara, the efforts of the Secretary-General and his Personal Envoy, James Baker, and also of the Kingdom of Morocco, to try and find a fair and final solution to the conflict should be recognized. Even though the four options proposed by the Secretary-General had not achieved consensus, efforts to find a political solution should continue.

34. **Mr. Ouch** (Cambodia), speaking on behalf of the countries of the Association of South-East Asian Nations (ASEAN), said that, although more than 80 million people had been granted independence since the United Nations adopted the Declaration on decolonization, 16 Non-Self-Governing Territories continued to seek their political future.

35. With regard to the critical role played by administering Powers in the decolonization process, the association considered that New Zealand had made a very positive contribution in the case of Tokelau. The partnership between that country and the Special Committee was an excellent model for other Non-Self-Governing Territories. Indeed, the Committee's plan to intensify its dialogue and cooperation with administering Powers in 2003 was to be commended.

36. In addition to increased bilateral efforts, the United Nations and its specialized agencies should increase their involvement in assistance to Non-Self-Government Territories. Annual regional seminars under the auspices of the Special Committee were a useful channel to strengthen efforts in that direction and should be encouraged. The Association would continue to campaign for the prompt implementation of the Declaration and other relevant United Nations resolutions.

37. *Ms. Ferrari (Saint Vincent and the Grenadines), Vice-Chairperson, took the Chair.*

38. **Ms. Mulamula** (United Republic of Tanzania) said that the removal of East Timor from the list of Non-Self-Governing Territories, and its attainment of independence as Timor-Leste, constituted a milestone in the organization's efforts towards full implementation of the Declaration. Nevertheless, much remained to be done. Little noticeable progress had been made in the implementation of the Settlement Plan for Western Sahara. The referendum should be held without further delay.

39. Her delegation endorsed the report of the Special Committee on decolonization and commended it for the successful visiting mission to Tokelau in August 2002. The cooperation of the administering Power, New Zealand, was exemplary. The recommendations of the visiting mission, if implemented, could expedite the decolonization of the remaining Non-Self-Governing Territories. Her delegation noted with concern, however, that there was confusion among the inhabitants of Tokelau regarding the role of the United Nations in decolonization and the nature of the options available to Non-Self-Governing Territories. The Department of Public Information should ensure wide dissemination of information on the role and achievements of the United Nations.

40. If the administering Powers were cooperative, the remaining cases of decolonization could be concluded quickly. It was important to achieve that goal without delay, so that all resources could be directed to the fight against extreme poverty and underdevelopment.

41. **Mr. Andjaba** (Namibia) said that even as Timor-Leste's accession to independence was being celebrated, there was deep concern about the continued illegal occupation of Western Sahara, the only African country still under foreign occupation — and, sadly, by a fellow African country. The Saharan people's only hope was for the United Nations to deliver them from oppression by implementing the settlement plan for Western Sahara and enabling them to exercise their long-overdue right to self-determination. The settlement plan, recently re-endorsed in Security Council resolution 1429 (2002), was the only legal and viable framework for a solution. Yet the holding of a free and fair referendum had been frustrated by the occupying Power's delaying tactics and by the introduction of the so-called Framework Agreement, which had now rightly been rejected. Having invested vast resources and achieved substantial progress, the United Nations should bring the process back on track without further delay. As a country emerging from apartheid colonialism, Namibia reaffirmed its unwavering solidarity with the people of Western Sahara in their just struggle, and hoped soon to welcome that country as a full member of the community of nations.

42. **Mr. Yahya** (Libyan Arab Jamahiriya) welcomed the independence of Timor-Leste, a development in which Indonesia had played a commendable role. He also praised New Zealand's cooperation with the Special Committee, in particular its invitation to members of the Committee to visit Tokelau in August 2002 and the willingness it displayed to work for the benefit of the people of Tokelau.

43. His delegation called on the other administering Powers to comply with General Assembly resolutions which appealed to them to cooperate with the Special Committee, to facilitate the attendance of representatives of the Territories at various activities connected with the eradication of colonialism and the attainment of self-determination, to submit political, economic and social information on the people of the Territories, not to plunder their natural resources or store nuclear waste in those Territories and to refrain from carrying out military exercises in the territories or using them as a base for aggression against other States. It was encouraging to note in that connection the willingness of a number of administering Powers to continue informal dialogue with the Special Committee and to respond to the wishes of the peoples under their administration should they wish to attain freedom and independence.

44. At the same time, it was a matter of regret that certain colonial Powers continued to ignore the wishes of the people under their administration. One example of that was contained in the decision of the Special Committee (A/AC.109/2002/22) concerning the situation on Vieques Island, Puerto Rico, which had been used for over 60 years by the United States for military manoeuvres, thereby limiting access by the civilian population to an area equivalent to barely a quarter of the island. The resolution also pointed out that the United States was continuing its military manoeuvres there and was incarcerating hundreds of peaceful demonstrators, including political figures. It also stated that there was a consensus among the people and within the Government of Puerto Rico on the urgency of halting the military manoeuvres, on the return of the occupied land to the people of Puerto Rico and on the right of Puerto Rico to self-determination and independence.

45. His delegation hoped that all administering Powers would comply without delay with the relevant General Assembly resolutions in assisting the peoples concerned to exercise their right to self-determination and would refrain from concluding bilateral agreements which took no account of the rights of the peoples concerned.

46. Fiji had made a valuable contribution by holding the Pacific Regional Seminar in May 2002, which had provided an opportunity for exchanges of views on the future of peoples under occupation. His delegation supported all the recommendations of the seminar, including those from non-governmental organizations and experts, and made a further recommendation that the General Assembly might hold a special session concerning the situation of colonial countries and peoples which would enable representatives of the Territories concerned to address the General Assembly directly on the subject of the aspirations of their peoples for freedom and independence. It might be appropriate to hold such a session during the general debate at the sixtieth session of the General Assembly.

47. In conclusion, he recalled the message of the Secretary-General to the participants in the Pacific Regional Seminar in which he had pointed out that there was no place in the twenty-first century for the

vestiges of colonialism and expressed support for all efforts to close that chapter of history once and for all.

48. **Mr. Bennouna** (Morocco) said that one could rightly wonder why the Committee was still, after so many years, debating the so-called question of Western Sahara. The people of the provinces of southern Morocco that were at issue had just peacefully and transparently elected representatives to the Moroccan Parliament, and yet the surreal debate continued. The Security Council itself, in resolution 1429 (2002), had called for a political solution.

49. When in 1956 Morocco had acted legitimately to re-establish its territorial integrity by reclaiming its southern provinces, Algeria had objected, arguing hitherto-unknown strategic-defence interests. That dispute had had disastrous humanitarian consequences, with refugees being held in Algerian camps for almost 30 years, subjected to indoctrination and deprived of decent lives for themselves and their children. In addition, almost 1,300 Moroccan prisoners, the longest-held in the world, were in camps in Algerian territory under their jailers of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), in violation of international humanitarian law, as recently recalled in the latest Security Council resolution. All prisoners must be released immediately and not piecemeal, like political pawns, and the refugees must regain their freedom of expression and freedom of movement. Morocco had answered an appeal by the Office of the United Nations High Commissioner for Refugees (UNHCR) by offering to help institute confidence-building measures, but without response.

50. The political aspects of the dispute between Algeria and Morocco, which was affecting the economic development of the Maghreb and compromising the future of a region with enormous potential for national and foreign investment, also needed immediate settlement. It should be noted that an official proposal for a political settlement put forward in 2001 by the Personal Envoy of the Secretary-General — the Framework Agreement on the Status of Western Sahara — would, by reconciling Morocco's right of sovereignty and the people's aspirations for local autonomy, have allowed Algeria to normalize its relations with Morocco and reap the benefits of free circulation of goods and persons between the Mediterranean, the Sahara and the Atlantic. Algeria and the Frente POLISARIO, however, had refused to enter into negotiations on the Framework Agreement, as encouraged by the Security Council in resolution 1359 (2001), and had instead proposed a partition of the Territory, in complete disregard of the people's right to self-determination.

51. However, one must now look to the future. The Security Council was offering a second chance, by suggesting further political mediation by the Personal Envoy of the Secretary-General. It was not necessary to agree on contentious issues in advance, as the other parties maintained: the point of negotiations was to clarify them. Morocco hoped that all parties would seize the opportunity to seek a rapprochement. The solution would lie in delegating broad powers to agreed regional institutions, a proven and modern approach successful elsewhere and one which Morocco was ready to discuss in good faith. It hoped that its fellow country, Algeria, would do the same.

52. **Mr. Kok** (Singapore) said that, during the nascent years of its nationhood, Singapore had learned tremendously from the training provided by other countries and international organizations. Member States and the United Nations system should continue to provide technical assistance to the Non-Self-Governing Territories. He urged the Special Committee to further strengthen efforts in that area.

53. In 1992, the Ministry of Foreign Affairs of Singapore had established the Singapore Cooperation Programme with a view to sharing knowledge in various fields, such as information technology, communications and transport, management and productivity, public administration and law. Since 1995, Singapore had offered scholarships to students from Non-Self-Governing Territories in a number of such areas. As of June 2002, training had been provided to over 200 participants from various Non-Self-Governing Territories.

54. **Mr. Alfa Zerandouro** (Benin) said that the administering Powers should cooperate more with the United Nations and the peoples of Non-Self-Governing Territories in order to guarantee the necessary conditions for exercising self-determination. The international community and the United Nations specialized agencies should work to ensure better living standards for the peoples of the Territories.

55. On the question of Western Sahara, his delegation was pleased that a ceasefire had been in effect since 1991 and that the parties concerned had expressed their

willingness to continue observing it as long as possible. Efforts to settle the dispute must be undergirded by a strong political will to serve the best interests of the entire region and its people. After two decades, it was time for the international community to do its utmost to bring the parties closer to agreement.

56. **Mr. Haggag** (Egypt) said that the Pacific Regional Seminar held in May 2002 had been a step towards the eradication of colonialism and had enabled the Special Committee to ascertain the views of the peoples of the small island Non-Self-Governing Territories.

57. Referring to the commitment made in the Millennium Declaration concerning the right to self-determination, he said that his delegation expected the administering Powers to fulfil their responsibilities and to display a spirit of flexibility and political realism to enable the Committee to assist the peoples of the Non-Self-Governing Territories to attain self-government. In that connection, he welcomed the participation in the work of the Special Committee of the delegations of New Zealand and France and the informal discussions held by the Special Committee with the delegations of the United Kingdom and the United States. He appealed to the administering Powers to follow the example of New Zealand with respect to Tokelau and to cooperate with the Special Committee in its efforts to send visiting delegations to the Non-Self-Governing Territories so as to ascertain at first hand the aspirations of the population of those Territories. He also urged the administering Powers to continue to transmit the relevant political, economic and constitutional information to the Special Committee concerning the territories, and urged the administering Powers to respect the legitimate rights of the peoples of the Non-Self-Governing Territories to sovereignty over their natural resources and to refrain from any form of military activity that might have an adverse impact on the interests and welfare of the population of those Territories.

58. A few days previously Timor-Leste had become a Member of the United Nations. He commended the Government of Indonesia on its cooperation which made that outcome possible, beginning with its decision to organize a referendum in August 1999, and on its resolve to establish relations of good-neighbourliness and cooperation with the democratically elected authorities of Timor-Leste.

59. The United Nations was continuing its efforts to resolve the dispute in Western Sahara. It was to be hoped that those efforts would continue until a just and comprehensive settlement had been reached. His delegation looked forward to the role to be played by the United Nations, particularly after the conclusion of the discussions in the Special Committee and in the light of the most recent Security Council resolution, and hoped that both sides would continue to cooperate with the Secretary-General and his Personal Envoy, and with MINURSO, with a view to resolving all difficulties so that the dispute might be settled in a satisfactory manner.

60. His country was proud of the leading role it had played in past decades to support other Arab and African countries in their struggle against colonialism and was resolved to continue those efforts to enable the United Nations to fulfil its obligations with respect to the remaining Territories until such time as the United Nations would be able to declare that the objectives of the Declaration had been attained.

61. **Mr. Baali** (Algeria), speaking in exercise of the right of reply, said that he been unable to resist the temptation to respond to his distinguished brother from Morocco because he wished to clarify what he had said previously and also to remind him of a few truths. The representative of Morocco had termed the Committee's debate "surreal"; until the representative of Morocco had spoken, however, that debate had been serious-minded and of high quality. Unfortunately, it had been what he had said that had introduced a note of surrealism, which the Algerian delegation regretted. His statement, in fact, had been surreal from beginning to end.

62. The representative of Morocco did not seem to realize that for the international community, the question of Western Sahara was a matter of decolonization; that territory was a Non-Self-Governing Territory, as the Committee's legal adviser had stated on 29 January 2002. He did not seem to realize that, if Morocco were not currently occupying Western Sahara, the question would not be under discussion by either the Committee or the Security Council. The Saharan refugees had preferred to live in camps for 25 years rather than live in their own territory under foreign occupation.

63. The representative of Morocco had apparently forgotten that for many years the Moroccan authorities

had refused to discuss the fate of the prisoners of war who had been captured by the Frente POLISARIO, because they did not wish to acknowledge the existence of the issue of Western Sahara. He reminded the representative of Morocco of the well-known fact that, when James Baker III had begun his mission in 1997, he had been able to obtain the release of hundreds of Moroccan prisoners but Morocco had refused to receive them. Only after a great deal of further effort and time had it become possible to induce the Moroccan authorities to request their release. The Frente POLISARIO continued to release prisoners under that framework; moreover, such releases should continue to take place when the transition period of the settlement plan began. The Frente POLISARIO had in any case consistently and voluntarily been releasing old and sick prisoners and would continue to do so.

64. The representative of Morocco apparently also failed to realize that the people of Western Sahara simply did not wish to live under foreign occupation; what they desired was not a spurious self-governance, but rather the right freely to choose their own future like all the other peoples in the world, as had indeed just been done by the people of Timor-Leste. All the most generous plans which the leaders of Morocco might think up in order to seduce the people of Western Sahara would therefore end up unused in the Kingdom's own archives.

65. For months, the highest authorities in Morocco had been repeatedly stating that the Security Council would produce a draft Framework Agreement that the international community would support, but when the Security Council had adopted resolution 1429 (2002), the Moroccan authorities had awoken to the fact that the Council had buried that idea in the cemetery of the Kingdom's illusions. The draft had garnered the endorsement of neither the Security Council nor the General Assembly, yet the representative of Morocco was attempting to rally the support of those who were unconvinced of the fairness of the right of self-governance.

66. He stressed that Algeria had no dispute with Morocco and that it wished to have the best possible relations with Morocco. Algeria supported the right of the people of Western Sahara to self-determination out of a sense of duty and conviction, because it had always done so; for years Algeria had supported national liberation movements in Africa and throughout the world, and had sheltered liberation movements to the point that it had come to be called the "Mecca of the revolutionaries". It had supported Western Sahara as well as Timor-Leste because of its conviction that the right to self-determination was a sacrosanct right from which all should benefit. Finally, he assured the representative of Morocco that his comments had been made without the slightest acrimony or contentiousness.

67. **Mr. Bennouna** (Morocco), speaking in exercise of the right of reply, said that he regretted that his colleague and friend from Algeria had been unable to resist the temptation to respond, because although he did not often resist such temptations, he could well have resisted that one in particular. Doing so would have relieved the Committee from having had to participate in the spectacle that had just taken place.

68. The representative of Algeria had claimed that his country had no dispute with or animosity toward Morocco; as the saying went, "With friends such as that, who needs enemies?" Western Sahara had become the main diplomatic cause for Algeria in the Committee and in all other international forums; Morocco was being labelled an "occupying Power", a "colonialist", and yet Algeria continued to claim that it had no quarrel with Morocco. He thus found it difficult to follow the representative of Algeria on that score, because in reality a problem did indeed exist. Morocco took a realistic view of its past, present and future and of the problem, and wished to hold out its hand in friendship to resolve it. If there were no problem, there would be no need to take up the Committee's time with the current discussion, or for the representative of Algeria to lobby the members of the Security Council for a month before it convened. Such actions hardly signified the absence of a problem between the two countries.

69. The problem existed, but so did approaches to solutions; intelligent and reasonable people had offered possible ways to resolve it. It would be resolved not by clinging to the abstract ideologies of the 1960s, but by Morocco holding out its hand in the context of the future integration of the Maghreb. In that future, there would no longer be a "Sahara" or even separate countries, but simply a region called the Maghreb which would cooperate with Europe. Europe was continuing to develop, while Morocco and Algeria struggled with minor problems. History was not moved forward by taking refuge behind petty arguments.

70. Whenever Morocco raised the issue of the prisoners, Algeria's response was to refer to the transitional period under the settlement plan. The ceasefire had begun in 1980 and Algeria claimed that Morocco did not want the prisoners. On the contrary, Morocco viewed the fate reserved for those prisoners on Algerian territory as inhuman and scandalous, and Algeria shared the responsibility for the situation because Algeria was a party to the humanitarian conventions of the Red Cross. The representative of Algeria could not escape that responsibility. The representative of Morocco regretted having to say that, had the representative of Algeria not exercised his right of reply, he would not have had to respond.

The meeting rose at 6 p.m.